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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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07/788,801 11/07/91 BAUMGARTNER

W JEK/BEU

EXAMINER

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ART UNIT PAPER NUMBER

2405

7

DATE MAILED: 10/08/92

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 0 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input checked="" type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input checked="" type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-7 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 1-7 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☒ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable. ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____ has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed on _____, has been ☐ approved. ☐ disapproved (see explanation).
12. ☒ Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has ☒ been received ☐ not been received
☐ been filed in parent application, serial no. _____; filed on _____
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

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The drawings are objected to because Figures 3-5 should be labelled --PRIOR ART--. Correction is required.

Claims 1-7 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, the various elements set forth on lines 1-5 should be positively rather than inferentially recited. On line 9, "said slot" should read --said guide slot-- to agree with the antecedent basis provided in the claim. On line 4, "and" should be deleted to clarify the location of the guide part. The reversing positions and side positions set forth on lines 10-12 should be more clearly defined in the claim.

In claim 2, "the end zones" on line 3 has no proper antecedent basis in the claims. It is unclear which direction is "the longitudinal direction of the S" (line 4); the position of the S should be more clearly defined.

In claim 3, line 2, the recitation that certain portions of the sidewalls are "offset" is vague and indefinite because it is not clear what position is denoted by the term.

In claim 4, line 3, it is unclear what is meant by the term "shifted"; what structure does it describe? On line 4, the term "an enlargement of travel" is vague and indefinite.

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In claim 6, the "lack of geometric congruence" should be recited in positive rather than negative terms.

The locations of the side positions and the reversing positions should be defined with respect to the slot to clarify claim 7.

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 1-7 are rejected under 35 U.S.C. § 103 as being unpatentable over Shakespeare in view of Hitachi.

Shakespeare shows a fishing reel which includes all the claimed features of the invention except the S-shaped guide slot. Shakespeare includes a C-shaped guide slot 40 for preventing uneven winding of the line on the spool.

Hitachi shows a traversing mechanism for winding yarn which

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includes a guide slot in the shape of an A.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the reel of Shakespeare with an S-shaped slot rather than a C-shaped slot, because the S-shape would provide a more even lay of the line. The various angles and dimensions set forth in the claims would have been obvious choices of design to one skilled in the art to provide the optimum traverse path.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kathy Matecki whose telephone number is (703) 308-2688.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0771.

K. MATECKI/rdb
September 24, 1992

Katherine Matecki
KATHERINE MATECKI
PRIMARY EXAMINER
ART UNIT 245